

## AGENDA ITEM SUMMARY

Department: Planning

**LAND DEVELOPMENT REGULATIONS  
TEXT AMENDMENT**

**MORATORIUM ON THE OFF-SITE TRANSFER  
OF RV SPACES TO HOTEL AND MOTEL UNITS**

**BOARD OF COUNTY COMMISSIONERS  
MARATHON GOVERNMENT CENTER  
JUNE 18, 2003**

## **PROPOSED TEXT AMENDMENT**

### **SECTION 9.5-120.6 (NEW) OF THE MONROE COUNTY CODE**

**THE AMENDMENT PROPOSES TO PROHIBIT THE TRANSFER OF RECREATIONAL VEHICLE SPACES TO HOTEL AND MOTEL UNITS OFF-SITE. TRANSFERS ARE PROHIBITED UNTIL DECEMBER 31, 2006.**

#### **RECOMMENDATIONS**

Staff:	<b>Approval</b>	April 23, 2003	Staff Report
DRC:	<b>Approval</b>	May 1, 2003	Resolution #D10-03
PC:	<b>Approval</b>	May 7, 2003	Resolution #P32-03

## **DRAFT BOCC ORDINANCE**

**ORDINANCE NO. - 2003**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, CREATING SECTION 9.5-120.6, MONROE COUNTY CODE, PROVIDING FOR A MORATORIUM ON THE TRANSFER OF RECREATIONAL VEHICLE SPACES TO HOTEL AND MOTEL UNITS OFF-SITE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

---

**WHEREAS**, the Board of County Commissioners adopted a Resolution on March 19, 2003, directing the Monroe County Planning staff to study, report, and recommend changes to the Monroe County Land Development Regulations regarding the off-site transfer of redevelopment rights from recreational vehicle (RV) space to hotel rooms; and

**WHEREAS**, the Monroe County Development Review Committee was presented with a staff report prepared on April 23, 2003, by Robert Will, Planner and

**WHEREAS**, the Development Review Committee, on May 1, 2003, reviewed the staff report Findings of Fact and proposed Text Amendment to Sec. 9.5-120.6 and recommended approval of the proposed Text Amendment; and

**WHEREAS**, on May 7, 2003, the Monroe County Planning Commission, at a regularly scheduled public hearing, recommended approval of the proposed Text; and

**WHEREAS**, the BOCC conducted a public hearing on June 18, 2003, at which were considered the proposed Text and recommendation of staff; and

**WHEREAS**, the BOCC was presented with the following evidence which is by reference incorporated as part of the record of said hearings:

1. Staff report prepared on June 2, 2003 by K. Marlene Conaway;
2. Proposed Text Amendment;
3. Sworn testimony of the Planning staff; and
4. Comments from the public; and

**WHEREAS**, the BOCC has made the Findings of Fact and Conclusions of Law based on the evidence presented:

1. Monroe County Code Sec. 9.5-120.4(b)a.iii(1)(a)(i) allows the transfer of the rights and off-site redevelopment of lawfully established RV spaces as hotel or motel rooms;
2. A significant number of unlawful conversions of RV spaces into permanent residency has occurred overtime, which has provided affordable housing for many low and moderate income persons in Monroe County;

3. Existing regulations governing RVs as transient residential units has been inadequate to preclude the conversion of existing RVs into permanent residences, which is contrary to the Comprehensive Plan and Land Development Regulations and has many undesirable consequences for the County in terms of both its tourist industry and safe and adequate housing for its low and moderate income households.

3. In Section 9.5-120.5, Monroe County Code, new transient residential units, such as hotel and motel rooms, are not eligible for ROGO allocations until December 31, 2006; therefore, the new hotel or motel units can only be developed through the transfer of existing hotel or RV spaces off-site for redevelopment, which generates increased market pressures for such transfers.

4. The transfer and conversion of RV spaces currently used for affordable housing into hotel or motel rooms exacerbates the existing affordable housing crises by decreasing the availability of affordable housing and increasing the demand for such housing required for staff to serve these new transient units.

5. The Monroe County Planning and Environmental Resources Department is currently working toward the completion of the Livable CommuniKeys Program and has a consultant study underway evaluating the existing and future transient residential markets in Monroe County;

6. The Livable CommuniKeys Program will culminate in the development of master plans for all of the unincorporated communities of the Florida Keys, and these Plans will, among other issues, include opportunities for the development of new transient residential units and affordable housing units, identify appropriate locations and appropriate numbers of units;

7. The Livable CommuniKeys Programs and companion studies will aid in developing a new Permit Allocation System that addresses procedures and standards for making ROGO allocations to transient residential units;

8. Additional time is required to sufficiently allow background studies to be completed and regulations drafted to address county-wide problems with regulations of RVs, including more up-to-date information on the extent of the problems with conversions.

**WHEREAS**, the BOCC has examined the proposed amendment to the Monroe County Code submitted by the Monroe County Planning Department; and

**WHEREAS**, the BOCC hereby supports the decision of the Monroe County Planning Commission and the Planning and Environmental Resources Department staff recommendation;

**WHEREAS**, it is the desire of the BOCC that the following amendment to the County Code be approved, adopted, and transmitted to the State Land-Planning Agency for approval; now, therefore

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA that:

Section 1. Chapter 9.5, Article VII, Division 2, Monroe County Code, is hereby amended by creating Section 9.5-120.6, which reads as follows:

**"Sec. 9.5-120.6 Moratorium on off-site transfer of recreational vehicle spaces.**

No recreation vehicle space shall be eligible for off-site transfer to a hotel or motel room under the provisions of sec. 9.5-120.4 (b) until December 31, 2006."

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. This ordinance shall be filed in the Office of the Secretary of State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission approving the ordinance.

Section 6. This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Department of Community of Affairs to determine the consistency of this ordinance with Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Mayor Spehar  
Mayor Pro Tem Nelson  
Commissioner McCoy  
Commissioner Neugent  
Commissioner Rice

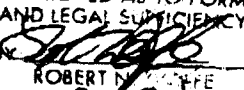
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(SEAL)  
Attest: DANNY L.KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

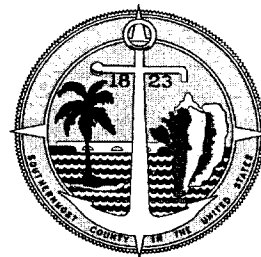
By \_\_\_\_\_  
Mayor/Chairperson

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY   
ROBERT N. NEUGENT  
DATE 6-2-03

## **BOCC STAFF REPORT**



# Memorandum



TO: Monroe County Board of County Commissioners  
FROM: K. Marlene Conaway, Director of Planning and Environmental Resources *KMC*  
DATE: June 2, 2003  
RE: **Moratorium on the transfer of recreational vehicle spaces to hotel and motel units off-site**

---

## STAFF REPORT

### I. Background

During the March 19, 2003, meeting held in the Marathon Government Center, the Board of County Commissioners adopted Resolution 120-2003 directing the Monroe County Planning staff to study, report, and recommend changes to the Monroe County Land Development Regulations regarding the off-site transfer of redevelopment rights from recreational vehicle (RV) space to hotel rooms. Currently, Monroe County Code Sec. 9.5-120.4(b)a.iii(1)(a)(i) allows the transfer of the rights and off-site redevelopment of lawfully established RV spaces to hotel or motel rooms.

A major concern raised by the Board was the loss of the affordable housing through the transfer of RV units used for permanent housing to hotel/motel rooms. The transfer and conversion of RV spaces currently used for affordable housing into hotel or motel rooms exacerbates the existing affordable housing crises by decreasing the availability of affordable housing and increasing the demand for such housing required for staff to serve these new transient units.

The Board also raised the concern that existing regulations governing RVs as transient residential units have been inadequate to preclude the conversion of existing RVs into permanent residencies, even though the Code Enforcement department has been vigorously enforcing the requirement that RVs are kept road ready. In addition to having many undesirable consequences for the County in terms of both its tourist industry and safe and adequate housing for its low and moderate income households, the conversion of these spaces into permanent residences is contrary to both the Year 2010 Comprehensive Plan and Monroe County Land Development Regulations.

New transient rental units (hotel and motel rooms) are not eligible to compete in ROGO until December 31, 2006, therefore the only way for new hotel or motel units to be developed is through the transfer of existing hotel or RV spaces off-site for conversion into hotel/motel units. The restrictions on new transient units has generated increased market pressures for transfers from existing RV spaces to hotel/motel rooms.

Currently, The Monroe County Planning and Environmental Resources Department is working toward the completion of the Livable CommuniKeys Program which will culminate in the development of master plans for all of the unincorporated communities of the Florida Keys. These plans will, among other issues, include opportunities for the development of new transient residential units and affordable housing units and identify appropriate locations and appropriate numbers of units. Additionally, the department has a consultant study underway evaluating the existing and future transient residential markets in Monroe County to be completed this year.

Because the CommuniKeys Plans and other studies have yet to be completed, additional time is required to sufficiently address county-wide problems with regulations of RVs. The Growth Management Division is in the process of undertaking a comprehensive survey and analysis of RV spaces and mobile home parks to gather information on the extent of the problems with conversions. The proposed temporary moratorium on the transfer and/or redevelopment of RV spaces off-site is necessary to allow time for the completion of studies and evaluation of the problem.

The Development Review Committee recommended approval of the text amendment at the regularly scheduled meeting on May 1, 2003.

The Planning Commission unanimously approved of the proposed text amendment at the regularly scheduled meeting on May 7, 2003.

## **II. Proposed Text**

The Planning Staff has prepared the following text to amend the Monroe County Code:

### **“Sec. 9.5-120.6 Moratorium on off-site transfer of recreational vehicle spaces.**

No recreation vehicle space shall be eligible for off-site transfer to a hotel or motel room under the provisions of sec. 9.5-120.4 (b) until December 31, 2006.”

## **III. Recommendation**

Staff recommends **APPROVAL** of the proposed text amendment.

**PLANNING COMMISSION RESOLUTION #P32-03**

**PLANNING COMMISSION RESOLUTION NO. P32-03**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING **APPROVAL** OF THE REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE MONROE COUNTY CODE BY CREATING SECTION 9.5-120.6, PROVIDING FOR A MORATORIUM ON THE TRANSFER OF RECREATIONAL VEHICLE SPACES TO HOTEL AND MOTEL UNITS OFF-SITE UNTIL DECEMBER 31, 2006.

---

**WHEREAS**, the Board of County Commissioners adopted a Resolution on March 19, 2003, directing the Monroe County Planning staff to study, report, and recommend changes to the Monroe County Land Development Regulations regarding the off-site transfer of redevelopment rights from recreational vehicle (RV) space to hotel rooms; and

**WHEREAS**, the Monroe County Development Review Committee was presented with a staff report prepared on April 23, 2003, by Robert Will, Planner; and

**WHEREAS**, the Development Review Committee, on May 1, 2003 reviewed the staff report Findings of Fact and proposed Text Amendment to Sec. 9.5-120.6 and recommended approval of the proposed Text Amendment; and

**WHEREAS**, during a regular meeting held on May 7, 2003, the Monroe County Planning Commission conducted a public hearing on the proposed text; and

**WHEREAS**, The Planning Commission was presented with the following information, which by reference is hereby incorporated as part of the record of said hearing:

1. Staff report prepared on May 1, 2003 by Robert Will, Planner; and
2. Sworn testimony of the Planning staff; and
3. Advice from John Wolfe, the Planning Commission Counsel; and
4. Comments from the public; and

**WHEREAS**, the Planning Commission has made the Findings of Fact and Conclusions of Law based on the evidence presented:

1. Monroe County Code Sec. 9.5-120.4(b)a.iii(1)(a)(i) allows the transfer of the rights and off-site redevelopment of lawfully established RV spaces as hotel or motel rooms;
2. A significant number of unlawful conversions of RV spaces into permanent residency has occurred overtime, which has provided affordable housing for many low and moderate income persons in Monroe County;

3. Existing regulations governing RVs as transient residential units as been inadequate to preclude the conversion of existing RVs into permanent residencies, which is contrary to the Comprehensive Plan and Land Development Regulations and has many undesirable consequences for the County in terms of both its tourist industry and safe and adequate housing for its low and moderate income households.
4. In Section 9.5-120.5, Monroe County Code, new transient residential units, such as hotel and motel rooms, are not eligible for ROGO allocations until December 31, 2006; therefore, the only way new hotel or motel units can be developed is through the transfer of existing hotel or RV spaces off-site for redevelopment, which generates increased market pressures for such transfers.
5. Additional time is required to sufficiently allow background studies to be completed and regulations drafted to address county-wide problems with regulations of RVs, including more up-to-date information on the extent of the problems with conversions.

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA**, that the preceding findings support their decision to recommend **APPROVAL** to Board of County Commissioners of the proposed text amendment to the Monroe County Code as follows:

**"Sec. 9.5-120.6 Moratorium on off-site transfer of recreational vehicle spaces.**

No recreation vehicle space shall be eligible for off-site transfer to a hotel or motel room under the provisions of sec. 9.5-120.4 (b) until December 31, 2006."

**PASSED AND ADOPTED** By the Planning Commission of Monroe County, Florida at a regular meeting held on the 7<sup>st</sup> day of May, 2003.

Chair David C. Ritz	<u>YES</u>
Vice Chair Denise Werling	<u>YES</u>
Commissioner Jerry Coleman	<u>YES</u>
Commissioner Alicia Putney	<u>YES</u>
Commissioner Julio Margalli	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
David C. Ritz, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

**DEVELOPMENT REVIEW COMMITTEE  
RESOLUTION #D10-03**

**DEVELOPMENT REVIEW COMMITTEE RESOLUTION NO. D10-03**

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING **APPROVAL** TO THE PLANNING COMMISSION OF THE REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE MONROE COUNTY CODE BY CREATING SECTION 9.5-120.6, PROVIDING FOR A MORATORIUM ON THE TRANSFER OF RECREATIONAL VEHICLE SPACES TO HOTEL AND MOTEL UNITS OFF-SITE UNTIL DECEMBER 31, 2006.

---

**WHEREAS**, during a regularly scheduled meeting held on May 1, 2003, the Development Review Committee conducted a review and consideration of the request by the Planning and Environmental Resources Department to amend the Monroe County Code; and

**WHEREAS**, the Development Review Committee examined the staff report prepared by Robert Will, Planner dated April 23, 2003; and

**WHEREAS**, Monroe County Code Sec. 9.5-120.4(b)a.iii(1)(a)(i) allows the transfer of the rights and off-site redevelopment of lawfully established RV spaces as hotel or motel rooms; and

**WHEREAS**, the Board of County Commissioners adopted a Resolution on March 19, 2003, directing the Monroe County Planning staff to study, report, and recommend changes to the Monroe County Land Development Regulations regarding the off-site transfer of redevelopment rights from recreational vehicle (RV) space to hotel rooms; and

**WHEREAS**, A significant number of unlawful conversions of RV spaces into permanent residency has occurred overtime, which has provided affordable housing for many low and moderate income persons in Monroe County; and

**WHEREAS**, existing regulations governing RVs as transient residential units as been inadequate to preclude the conversion of existing RVs into permanent residencies, which is contrary to the Comprehensive Plan and Land Development Regulations and has many undesirable consequences for the County in terms of both its tourist industry and safe and adequate housing for its low and moderate income households; and

**WHEREAS**, in Section 9.5-120.5, Monroe County Code, new transient residential units, such as hotel and motel rooms, are not eligible for ROGO allocations until December 31, 2006; therefore, the only way new hotel or motel units can be developed is through the transfer of existing hotel or RV spaces off-site for redevelopment, which generates increased market pressures for such transfers; and

**WHEREAS**, the transfer and conversion of RV spaces currently used for affordable housing into hotel or motel rooms exacerbates the existing affordable housing crises by decreasing the availability of affordable housing and increasing the demand for such housing required for staff to serve these new transient units; and

**WHEREAS**, additional time is required to sufficiently allow background studies to be completed and regulations drafted to address county-wide problems with regulations of RVs, including more up-to-date information on the extent of the problems with conversions;

**NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA**, that the preceding findings support their decision to recommend **APPROVAL** to Monroe County Planning Commission of the proposed text amendment to the Monroe County Land Development Regulations as follows:

**“Sec. 9.5-120.6 Moratorium on off-site transfer of recreational vehicle spaces.**

No recreation vehicle space shall be eligible for off-site transfer to a hotel or motel room under the provisions of sec. 9.5-120.4 (b) until December 31, 2006.”

**PASSED AND ADOPTED** By the Development Review Committee of Monroe County, Florida at a regular meeting held on the 1<sup>st</sup> day of May, 2003.

Fred Gross, Island Planning Team Director (Lower Keys)	<u>YES</u>
Ralph Goulty, Senior Administrator, Environmental Resources	<u>YES</u>
Jerry Buckley, Planner	<u>YES</u>
Robert Will, Planner	<u>YES</u>
Department of Health (by fax)	<u>YES</u>
Department of Public Works (by fax)	<u>YES</u>
Department of Engineering (by fax)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Fred Gross, DRC Chair

Signed this \_\_\_\_ day of \_\_\_\_\_, 2003.